

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1, 2, 4, 9 and 10 were rejected under 35 U.S.C. 102(a) over U.S. Patent No. 6,582,132 to Farnsworth (hereinafter "Farnsworth"). Claim 1 has been amended to incorporate the limitations of claim 3. Claim 2 has been cancelled by amendment herein. Thus, the rejection has been rendered moot.

Claim 3 was rejected under 35 U.S.C. 103(a) over Farnsworth in view of U.S. Patent No. 5,470,165 to Bissinger (hereinafter "Bissinger"). Claim 3 has been cancelled and claim 1 has been amended to include the limitations of claim 3. For the following reasons, the rejection is respectfully traversed as it would apply to claim 1.

The Examiner points out that Farnsworth does not disclose a parabolic protrusion. Thus, Bissinger is relied upon for teaching this limitation. Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art at the time the present invention was made to modify Farnsworth based on Bissinger to arrive at the claimed invention. Specifically, there is no motivation or suggestion in the record that is sufficient to make a *prima facie* case of obviousness in support of a rejection under 35 U.S.C. 103(a). The Examiner states that providing the protrusion of Farnsworth with the parabolic shape of Bissinger would give it "high strength, dimensional stability." The Examiner is respectfully reminded that a hindsight recognition of a benefit of making the modification or combination does not replace the existence of an actual suggestion in the prior art. Further, the Examiner is reminded that: "The teaching or suggestion

to make the claimed combination and the reasonable expectation of success must both be found *in the prior art*, not in applicant's disclosure." *MPEP* § 2143 (emphasis added) (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Applicant respectfully submits that, at the time the invention was made, there was no motivation or suggestion *in the prior art* to combine the references. Thus, no *prima facie* case of obviousness exists sufficient to maintain a rejection under 35 U.S.C. 103(a). Therefore, claim 1 and dependent claims 4, 9 and 10 are patentable over the prior art of record. If the Examiner intends to maintain the rejection, Applicants respectfully request that the Examiner indicate where a proper suggestion or motivation can be found *in the prior art*.

Claims 5, 8, 12, 15, 16 and 18-20 were rejected under 35 U.S.C. 103(a) over Farnsworth in view of U.S. Published Patent Application No. 2002/0172469 to Benner et al. (hereinafter "Benner") and in further view of U.S. Patent No. 5,879,173 to Popalawski et al. (hereinafter "Popalawski"). Claims 6, 7, 11, 13, 14, 17 and 21 were rejected under 35 U.S.C. 103(a) over Farnsworth in view Benner, in further view of Popalawski, in further view of U.S. Patent No. 5,259,792 to Beck et al., in further view of U.S. Patent No. 5,808,866 to Porter, and in further view of U.S. Patent No. 4,516,825 to Brennan et al. Claims 5 and 8 have been amended to place them in independent form. For the following reasons, the rejection has been rendered moot.

Enclosed herewith is a "Declaration under 37 CFR 1.131 Establishing Prior Invention" including a drawing dated February 19, 2001. As established by the declaration and attached drawing, the invention of claims 5 and 8 was conceived and reduced to practice before May 16, 2001, the effective date of the Benner reference under 35 U.S.C. 102. Claims 6, 7, and 11-21 each depend respectively from claims 5 and 8. Since each of the rejections include the Benner reference, the rejections are hereby rendered moot. Therefore, claims 5-8 and 11-21 are

Appl. No. 10/038,749
Amdt. Dated September 24, 2004
Reply to Office action of March 26, 2004

patentable over the prior art of record.

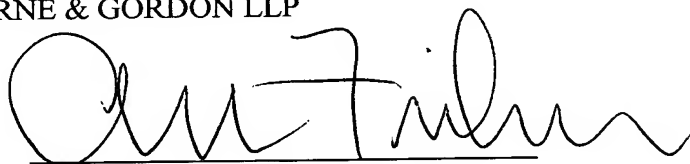
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33778.

Respectfully submitted,

PEARNE & GORDON LLP

By:

A handwritten signature in black ink, appearing to read 'A. Fishman', written over a horizontal line.

Aaron A. Fishman, Reg. No. 44682

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Date: September 24, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/038,749
Applicant : Gregory A. Lyon
Filed : January 2, 2002
Title : CONNECTOR RECEPTACLE

Conf. No. : 2952
TC/A.U. : 2877
Examiner : Hwa S. Lee

Customer No. : 000,116
Docket No. : 33778

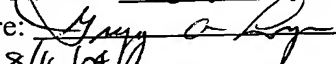
DECLARATION UNDER 37 CFR 1.131
ESTABLISHING PRIOR INVENTION

I, as the sole inventor in the above-identified patent application, hereby declare as follows:

1. My residence, post office address, and citizenship are as stated below next to my name.
2. In the United States of America, on or before February 19, 2001, I conceived of a connector receptacle to which the above-referenced U.S. patent application is directed. Exhibit A attached to this declaration is a drawing signed by me and dated February 19, 2001, illustrating the connector receptacle as reduced to practice.
3. I have read and understood the above-referenced U.S. patent application, including claims 5 and 8 as presently amended.
4. It is my belief that the whole invention set forth in Claims 5 and 8 of the above-referenced patent application was in my possession at the time the drawing attached as Exhibit A was prepared. Specifically, with reference to the drawing of Exhibit A, my invention included a connector receiving housing having a plurality of surfaces for mounting to a receiving member having first and second faces, the connector receiving housing having a cavity therein and one or more passages adjacent the cavity for receiving the fiber optic cable connector; a protrusion on the connector receiving housing for engaging the first face of the receiving member; and a lip on the connector receiving housing for engaging the second face of the receiving member. Although not specifically shown in Exhibit A, at the time the drawing was prepared, the housing was designed to be mounted to the receiving member by the interaction of the lip and the protrusion. Further, at the time the drawing was prepared, my invention included the housing being made of a polymer based material and the plurality of surfaces being coated with an electrically conductive material and/or a material that provides shielding from electromagnetic

interference.

5. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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